Court No.3

Criminal Revision No. 462/2001.
(Old No. 1927/1986)

Girish Chandra … Revisionist.

Versus

State …Respondent.

Hon'ble Irshad Hussain, J.

The revisionist was prosecuted for committing an offence punishable U/S 25 of the Indian Arms Act and he was held guilty and convicted on 13.1.1986 by the then Judicial Magistrate Almora. He was sentenced to undergo R.I. for 3 years. This judgment and order was affirmed in criminal appeal which was filed by the revisionist. Aggrieved by the dismissal of the appeal per judgment and order dated 26-2-1986 passed by Sessions Judge, Almora, the present revision was filed.

Heard learned counsel for the revisionist and the learned A.G.C.

The learned counsel for the revisionist confined his argument to the adequacy of the sentence awarded against the revisionst. According to him the sentence of 3 years was excessive in view of the fact that the revisionist has had no pervious bad antecedents. The learned counsel also pointed out that the case relate to an incident of the year 1985 and the appeal was decided way back in the year 1986. It is also pointed out from the record that the revisionist had been in detention in this case for a period of one year six months and twenty five days and the learned counsel accordingly submitted that the ends of justice will be satisfied if the sentence is modified to the period already undergone by the revisionist. Considering the totality and the circumstances of the case and the young age of the revisionist and particularly the sufficient period during which the revisionist had been under detention it appears to be a fit case in which the period of sentence need be reduced to the period already undergone by the revisionist.

The revision therefore partly succeed. The conviction of the revisionist U/S 25 of the Indian Arms Act is affirmed. The sentence of imprisonment awarded is reduced and modified to the period of sentence

mentioned above already undergone by the revisionist. Consequently he need not surrender and his bail bonds are cancelled and sureties discharged.

(Irshad Hussain, J.)

Dated:22.8.2003

ISB